

Report Date: April 1, 2008

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 07 2008

**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Brian Joseph Eberle

Case Number: 2:02CR00030-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle

Date of Original Sentence: 10/22/2002

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Manufacture
Marijuana, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 03/28/2008

Original Sentence: Prison - 60 Months;
TSR - 48 Months

Date Supervision Expires: 03/27/2012

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 19 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 20 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeal's finding in United States v. Stevens (9th Cir. 2005), and to request that the conditions of supervision be modified to authorize a minimum of six random drug and/or alcohol tests per month.

The offender signed the "Waiver of Hearing to Modify Conditions of Supervised Release," on April 2, 2008. He understands the rationale behind this modification. Mr. Eberle continues to submit to random testing to ensure he remains alcohol/drug free. To date, all tests provided by Mr. Eberle have been negative.

Prob 12B

Re: Eberle, Brian Joseph

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

Brenda J. Kuest
4-2-08

Brenda J. Kuest
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Fred Van Driel

Signature of Judicial Officer

April 6, 2008

Date